PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent No. 7,710,834	)	Appln. No. 10/086,644
	)	
Inventor(s): Allan M. Schrock, et al.	)	Filed: February 28, 2002
	)	
Issue Date: May 4, 2010	)	Attorney Docket No. 005127.00197
	)	
For: PACE CALCULATION WATCH	)	

REQUEST FOR CERTIFICATE OF CORRECTION

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
Mail Stop: Certificate of Correction Branch
401 Dulany Street
Alexandria, VA 22314

Sir:

Pursuant to 35 U.S.C. § 254 and 37 C.F.R. § 1.322, this is a request for the issuance of a Certificate of Correction in the above-identified patent. A copy of PTO Form 1050 is appended. The complete Certificate of Correction involves one page.

The mistake identified in the appended Form occurred through no fault of the Applicants, as clearly disclosed by the records of the application, which matured into this patent. Enclosed for your convenience is a copy of the Amendment filed on September 2, 2009 (please note claim 10 in that Amendment, which corresponds to claim 8 in the issued patent).

Issuance of the Certificate of Correction containing the corrections is respectfully requested. Because this change is necessitated through no fault of the Applicants, no fee is believed to be necessary in fulfilling this Request. Nonetheless, should the Patent and Trademark Office determine that a fee is required, please charge our Deposit Account No. 19-0733.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: November 9, 2010
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UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO.: 7,710,834

DATED: May 4, 2010

INVENTOR(S): Allan M. Schrock et al.

It is certified that errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In claim 8, at column 9, line 46:

Please delete "and" (first occurrence).

Mailing Address of Sender:

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U.S. PAT. NO. 7,710,834

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Electronic Acknowledgement Receipt

EFS ID:	6005868
Application Number:	10086644
International Application Number:	
Confirmation Number:	6973
Title of Invention:	Pace calculation watch
First Named Inventor/Applicant Name:	Allan M. Schrock
Customer Number:	22909
Filer:	William F. Rauchholz/Lesa Wolman
Filer Authorized By:	William F. Rauchholz
Attorney Docket Number:	005127.00197
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Authorized User	

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

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Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		005127-00197_Response.pdf	141307 1ce898b9be6b3ad1feb74ce2c4332b6ddf232e19	yes	11

	Multipart Description/PDF files in .zip description		
	Document Description	Start	End
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1
	Claims	2	8
	Applicant Arguments/Remarks Made in an Amendment	9	11

Warnings:

Information:

2	Fee Worksheet (PTO-875)	fee-info.pdf	30100 f53e05f4575a7b769552b95d054f61248ac1b6b3	no	2

Warnings:

Information:

Total Files Size (in bytes):	171407

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New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent Application of:	)	
	)	Group Art Unit: 2833
Allan M. SCHROCK ET AL.	)	
	)	Examiner: Thanh S. Phan
Appln. Number: 10/086,644	)	
	)	Attorney Reference: 005127.00197
Filed: February 28, 2002	)	
	)	Confirmation No.: 6973
For: PACE CALCULATION WATCH	)	

AMENDMENT

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Applicant respectfully requests a three (3) month extension of the period for responding to the March 9, 2009, Office Action issued in the above-captioned patent application. The extension of time fee may be charged to the Deposit Account of the undersigned, Deposit Account No. 19-0733.

In response to the Office Action dated March 9, 2009, please amend this patent application as described below:

No **Amendments to the Abstract, Specification or Drawings** have been made in this Amendment.

Amendments to the Claims are reflected in the Listing of Claims, which begins on page 2 of this Amendment.

Remarks begin on page 9 of this Amendment.

LISTING OF CLAIMS

The following "Listing of Claims" replaces all prior versions and Listings of Claims in the application:

1. (Currently Amended) A device for calculating a pace, comprising:

a chronograph for measuring an elapsed time;

a distance memory containing a distance; ~~and~~

a pace calculation ~~process~~ system which calculates the pace by dividing the distance contained in the distance memory by the elapsed time provided by the chronograph; and

an input device including a first depressable button, a second depressable button, and a third depressable button, wherein the input device allows a user to input the distance into the distance memory, wherein the first depressable button allows for selection of a mode of operation including at least a chronographic mode for operating the chronograph and a data mode for inputting at least the distance, wherein the second depressable button functions in the chronographic mode to start measurement of the elapsed time by the chronograph and in the data mode for incrementing a value in a selected data field, and wherein the third depressable button functions in the chronographic mode to stop measurement of the elapsed time by the chronograph and in the data mode for decrementing the value in the selected data field.

2. (Original) The device recited in claim 1, further comprising a display which displays the calculated pace.

3. (Original) The device recited in claim 1, further comprising a chronometer.

Claims 4 through 6. (Canceled).

7. (Previously Presented) The device recited in claim 1, wherein the chronograph is implemented using a mechanical structure.

8. (Previously Presented) The device recited in claim 7, further including an optical encoder for converting an elapsed time measured by the chronograph into a digital format.

9. (Currently Amended) The device recited in claim 1, wherein the chronograph, the distance memory, ~~and~~ the pace calculation ~~process~~ system, and the input device are incorporated into a personal digital assistant.

10. (Currently Amended) The device recited in claim 1, wherein the chronograph, the distance memory, ~~and~~ the pace calculation ~~process~~ system, and the input device are incorporated into a watch.

11. (Previously Presented) The device recited in claim 10, wherein the watch is a wristwatch.

12. (Previously Presented) The device recited in claim 1, further including a data memory for storing the calculated pace.

13. (Currently Amended) A method of calculating a pace with a pace calculation device, comprising:

receiving a distance into a distance memory of a pace calculation device, wherein the distance is input into the distance memory via an input device that includes a first depressable button, a second depressable button, and a third depressable button, wherein the first depressable button allows for selection of a mode of operation including at least a chronographic mode for operating a chronograph and a data mode for inputting at least the distance, wherein the second depressable button functions in the data mode for incrementing a value in a selected data field, and wherein the third depressable button functions in the data mode for decrementing the value in the selected data field;

measuring an elapsed time with a chronograph when the chronographic mode of operation is selected, wherein the second depressable button functions in the chronographic mode to start measurement of the elapsed time by the chronograph, and wherein the third depressable button functions in the chronographic mode to stop measurement of the elapsed time by the chronograph; and

dividing the distance contained in the distance memory by the elapsed time provided by the chronograph to calculate a pace.

14. (Previously Presented) The method recited in claim 13, further comprising displaying the calculated pace to a user of the pace calculation device.

15. (Previously Presented) The method recited in claim 13, further comprising providing the calculated pace to another device.

16. (Currently Amended) The method recited in claim 13, wherein receiving the distance into the distance memory includes:

receiving input selecting a numerical value via the input device using at least one of the second and third depressable buttons; and

receiving input selecting a distance unit from among a plurality of distance units via the input device using at least one of the second and third depressable buttons.

17. (Previously Presented) The method recited in claim 16, wherein the plurality of distance units include two or more selected from the group consisting of kilometers, miles, yards, meters, feet, and nautical miles.

18. (Previously Presented) The method of claim 13, further comprising:

measuring a second elapsed time with the chronograph that is a segment of a larger elapsed time measured by the chronograph;

determining a portion of the distance corresponding to the second elapsed time; and

calculating a pace for the portion of the distance.

19. (Previously Presented) The method recited in claim 13, further comprising:

measuring a plurality of split times with the chronograph, each split time being a segment of the elapsed time;

determining the number of measured split times;

dividing the distance by the determined number of measured split times to obtain a segment distance; and

dividing the segment distance by at least one of the measured split times to calculate a pace corresponding to the at least one of the measured split times.

20. (Previously Presented) The method recited in claim 19, further comprising dividing the segment distance by each of the measured split times to calculate a pace corresponding to each of the measured split times.

Claims 21 and 22. (Canceled).

23. (Currently Amended) The method recited in claim ~~1~~ 13, further comprising receiving the distance into the distance memory before measuring the elapsed time.

24. (Currently Amended) The method recited in claim ~~1~~ 13, further comprising receiving the distance into the distance memory after measuring the elapsed time.

25. (Currently Amended) The method recited in claim ~~1~~ 13, further comprising receiving the distance into the distance memory while measuring the elapsed time.

26. (Currently Amended) The method recited in claim ~~1~~ 13, further comprising saving the calculated pace into a data memory.

27. (Currently Amended) A method of calculating a pace, comprising:

inputting a distance into a distance memory of a pace calculation device via an input device that includes a first depressable button, a second depressable button, and a third depressable button, wherein the first depressable button allows for selection of a mode of operation including at least a chronographic mode for operating a chronograph and a data mode for inputting at least the distance, wherein the second depressable button functions in the data mode for incrementing a value in a selected data field, and wherein the third depressable button functions in the data mode for decrementing the value in the selected data field;

prompting the pace calculation device to measure an elapsed time when the chronographic mode of operation is selected, wherein the second depressable button functions in the chronographic mode to start measurement of the elapsed time by the chronograph, and wherein the third depressable button functions in the chronographic mode to stop measurement of the elapsed time by the chronograph; and

prompting the pace calculation device to calculate a pace by dividing the distance by the elapsed time.

28. (Previously Presented) The method recited in claim 27, wherein inputting the distance into the distance memory prompts the pace calculation device to calculate the pace.

29. (Previously Presented) The method recited in claim 27, further comprising prompting the pace calculation device to display the calculated pace.

30. (Previously Presented) The method recited in claim 27, further comprising prompting the pace calculation device to provide the calculated pace to another device.

31. (Currently Amended) The method recited in claim 27, wherein inputting the distance into the distance memory includes:

selecting a numerical value via the input device using at least one of the second and third depressable buttons; and

selecting a distance unit from among a plurality of distance units via the input device using at least one of the second and third depressable buttons.

32. (Previously Presented) The method recited in claim 31, wherein the plurality of distance units include two or more selected from the group consisting of kilometers, miles, yards, meters, feet, and nautical miles.

33. (Previously Presented) The method of claim 27, further comprising:

prompting the pace calculation device to measure a second elapsed time that is a segment of a larger elapsed time; and

prompting the pace calculation device to

determine a portion of the distance corresponding to the second elapsed time; and

calculate a pace for the portion of the distance.

34. (Previously Presented) The method recited in claim 27, further comprising:

prompting the pace calculation device to measure a plurality of split times with the chronograph, each split time being a segment of the elapsed time; and

prompting the pace calculation device to

determine the number of measured split times;

divide the distance by the determined number of measured split times to obtain a segment distance; and

divide the segment distance by at least one of the measured split times to calculate a pace corresponding to the at least one of the measured split times.

35. (Previously Presented) The method recited in claim 34, further comprising prompting the pace calculation device to divide the segment distance by each of the measured split times to calculate a pace corresponding to each of the measured split times.

Claims 36 through 37. (Canceled).

38. (Previously Presented) The method recited in claim 27, further comprising inputting the distance into the distance memory before prompting the pace calculation device to measure the elapsed time.

39. (Previously Presented) The method recited in claim 27, further comprising inputting the distance into the distance memory after prompting the pace calculation device to measure the elapsed time.

40. (Previously Presented) The method recited in claim 27, further comprising inputting the distance into the distance memory while the pace calculation device is measuring the elapsed time.

41. (Currently Amended) A method of calculating a pace with a pace calculation device, comprising:

receiving a distance into a distance memory of a pace calculation device via an input device that includes a first depressable button, a second depressable button, and a third depressable button, wherein the first depressable button allows for selection of a mode of operation including at least a chronographic mode for operating a chronograph and a data mode for inputting at least the distance, wherein the second depressable button functions in the data mode for incrementing a value in a selected data field, and wherein the third depressable button functions in the data mode for decrementing the value in the selected data field;

measuring a plurality of split times with the pace calculation device when the chronographic mode of operation is selected, each split time being a segment of a total elapsed time, wherein the second depressable button functions in the chronographic mode to start measurement of the elapsed time by the chronograph, and wherein the third depressable button functions in the chronographic mode to stop measurement of the elapsed time by the chronograph;

determining the number of measured split times;

dividing the distance by the determined number of measured split times to obtain a segment distance; and

dividing the segment distance by at least one of the measured split times to calculate a pace corresponding to the at least one of the measured split times.

42. (Previously Presented) The method recited in claim 41, further comprising dividing the segment distance by each of the measured split times to calculate a pace corresponding to each of the measured split times.

43. (Previously Presented) The method recited in claim 41, further comprising displaying the calculated pace to a user of the pace calculation device.

44. (Previously Presented) The method recited in claim 41, further comprising providing the calculated pace to another device.

45. (Currently Amended) The method recited in claim 41, wherein receiving the distance into the distance memory includes:

receiving input selecting a numerical value via the input device using at least one of the second and third depressable buttons; and

receiving input selecting a distance unit from among a plurality of distance units via the input device using at least one of the second and third depressable buttons.

46. (Previously Presented) The method recited in claim 45, wherein the plurality of distance units include two or more selected from the group consisting of kilometers, miles, yards, meters, feet, and nautical miles.

Claims 47 through 48. (Canceled).

49. (Previously Presented) The method recited in claim 41, further comprising receiving the distance into the distance memory before measuring the split times.

50. (Previously Presented) The method recited in claim 41, further comprising receiving the distance into the distance memory after measuring the split times.

51. (Previously Presented) The method recited in claim 41, further comprising saving the calculated pace into a data memory.

REMARKS

Applicant respectfully requests entry of this Amendment, reconsideration of this application as amended, and reconsideration of the Office Action dated March 9, 2009.

I. General Comments Regarding the Content of this Amendment

Upon entry of this Amendment, claims 1-3, 7-20, 23-35, 38-46, and 49-51 will be pending in this application. Through this Amendment, Applicant has amended the independent claims to recite that the input is received in the devices and methods according to this invention via an input device including a first depressable button, a second depressable button, and a third depressable button, wherein the first depressable button allows for selection of a mode of operation including at least a chronographic mode for operating the chronograph and a data mode for inputting at least the distance, wherein the second depressable button functions in the chronographic mode to start measurement of the elapsed time by the chronograph and in the data mode for incrementing a value in a selected data field, and wherein the third depressable button functions in the chronographic mode to stop measurement of the elapsed time by the chronograph and in the data mode for decrementing the value in the selected data field. Support for these changes may be found, for example, in the original application at Paragraphs 18-28 and in original Figs. 2A through 2G. Other claim amendments are made based on the changes to the independent claims. Original claims 4-6, 21, 22, 36, 37, 47, and 48 are canceled by this Amendment without prejudice or disclaimer (and some of the subject matter of these claims has been incorporated into their respective independent claims). Accordingly, no new matter is included in this Amendment, and no additional claim fees are due as a result of this Amendment.

Applicant makes the above-noted claim changes without prejudice or disclaimer. While Applicant does not necessarily agree with or acquiesce in the various grounds of rejection raised with respect to any claims in this application, in order to expedite prosecution and to facilitate the immediate allowance of this application, Applicant makes the above-noted claim changes in the present application. Applicant reserves all rights to pursue claims of the same or similar scope to the original and/or canceled claims in this application, *e.g.*, in a continuing application.

II. The Claim Objections Should be Withdrawn

In the March 9, 2009, Office Action, the Examiner objected to claim 5 asserting that the term "the input device" did not have adequate antecedent basis. *See* the March 9, 2009, Office Action at p. 2. Because claim 5 has been canceled by this Amendment, this objection is moot.

With regard to the objection to claims 23-26 (*see* the March 9, 2009, Office Action at p. 2), Applicant has amended these claims to depend from independent claim 13, thereby eliminating this ground for objection. Applicant requests that the Office withdraw the objections to claims 23-26.

III. Applicant's Claims Patentably Distinguish from the Cited Art

In the March 9, 2009, Office Action, the Office rejected Applicant's claims based on the newly cited Knepper patent (U.S. Patent No. 6,212,469, hereinafter "Knepper"), either alone or in combination with one or more of Pennington (U.S. Patent No. 6,414,907, hereinafter "Pennington"), Fishman (U.S. Patent No. 5,771,399, hereinafter "Fishman"), and Thinesen (U.S. Patent No. 5,050,141, hereinafter "Thinesen"). *See* the March 9, 2009, Office Action at pp. 3-11. Applicant respectfully traverses these rejections and requests reconsideration.

Through this Amendment, Applicant has amended independent claim 1 to recite a device for calculating a pace that includes: (a) a chronograph for measuring an elapsed time; (b) a distance memory containing a distance; (c) a pace calculation system which calculates the pace by dividing the distance contained in the distance memory by the elapsed time provided by the chronograph; and (d) an input device including a first depressable button, a second depressable button, and a third depressable button, wherein the input device allows a user to input the distance into the distance memory. The claim further recites that the first depressable button allows for selection of a mode of operation including at least a chronographic mode for operating the chronograph and a data mode for inputting at least the distance. The second depressable button, as recited in amended claim 1, functions in the chronographic mode to start measurement of the elapsed time by the chronograph and in the data mode for incrementing a value in a selected data field. Amended claim 1 further recites that the third depressable button functions in the chronographic mode to stop measurement of the elapsed time by the chronograph and in the data mode for decrementing the value in the selected data field.

Similarly, through this Amendment, Applicant has amended independent method claims 13, 27, and 41 to recite that the pace calculation method receives input relating to the distance into a distance memory via an input device that includes a first depressable button, a second depressable button, and a third depressable button, wherein the first depressable button allows for selection of a mode of operation including at least a chronographic mode for operating a chronograph and a data mode for inputting at least the distance. These independent claims

further recite that the second depressable button functions in the data mode for incrementing a value in a selected data field, and the third depressable button functions in the data mode for decrementing the value in the selected data field. Furthermore, these independent claims recite that when the chronographic mode of operation is selected, the second depressable button functions to start measurement of the elapsed time by the chronograph and the third depressable button functions to stop measurement of the elapsed time by the chronograph.

Applicant respectfully submits that the cited Knepper, Pennington, Fishman, and Thinesen patents fail to disclose or suggest the pace calculation systems and methods including an input device that functions in selectable chronographic and data modes using depressable buttons in the manner recited in these amended claims. Accordingly, Applicant respectfully submits that the present claims patentably distinguish from Knepper, Pennington, Fishman, and Thinesen, whether considered alone or in any combination. Withdrawal of the rejections and allowance of claims 1-3, 7-20, 23-35, 38-46, and 49-51 are earnestly solicited.

IV. Conclusion

As noted above, Applicant requests a three (3) month extension of the time period for responding to the outstanding Office Action in this application. The fee for this extension of time may be charged to our Deposit Account No. 19-0733. If any additional fees are required to allow entry and consideration of this Amendment and are not accounted for in the documents submitted with this Amendment, such as fees under 37 C.F.R. §§ 1.16 or 1.17, the Commissioner is authorized to debit our Deposit Account No. 19-0733 for any necessary fees, including any necessary extension fees or claim fees.

All issues having been addressed, Applicant respectfully requests reconsideration and allowance of this application.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: September 2, 2009

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